

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

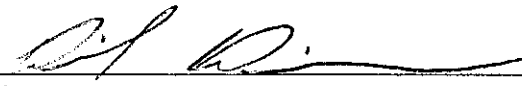
2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 10-3-06



Signature

David Dienema

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of

(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8 

9 (Signature)

10  
11 David Dieneman

12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
16 behalf you are appearing)

17 34 Falcon Way  
18 Deserington NV 89447

19 (Address)

20 775-781-8487

21 (Telephone number)



RECYCLED PAPER MADE FROM 20% POST CONSUMER CONTENT

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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Date: 10-3-06

  
\_\_\_\_\_  
Signature

Sandra Diezema  
\_\_\_\_\_  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

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in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, and facsimile number:

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8 

9 (Signature)

10  
11 Sandra Nicnemar

12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
16 behalf you are appearing)

17 34 Falcon Way  
Springton WV 26147

18 (Address)

19 775-781-8486

20 (Telephone number)



RECYCLED PAPER MADE FROM 20% POST CONSUMER CONTENT

~~Westlaw.~~**SSA DEATH RECORD**

Information Current Through: 11/09/2006  
Database Last Updated: 11/13/2006  
Update Frequency: WEEKLY  
Current Date: 11/16/2006  
Source: Social Security Administration Death Index

**IDENTIFYING INFORMATION**

Name: LYLE J DILLON  
SSN: 485-01-XXXX  
State Where SSN Issued: IOWA

**INFORMATION REGARDING DECEASED**

Date of Birth: 02/16/1918  
Date of Death: 07/01/2006  
Age at Death: 88  
Verification of Death: (V) Report verified with a family member of someone acting on behalf of the family.  
Last Residence: YERINGTON, NV 89447  
Call Westlaw CourtExpress at 1-877-DOC-RETR (1-877-362-7387)  
to order copies of documents related to this or other matters.  
Additional charges apply.

END OF DOCUMENT





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Date: Sept. 25, 2006

Jeanette Daering  
Signature

Jeanette Daering  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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Attorney:

Address:

Phone Number:

Fax Number:

  
(Signature)

  
(Printed or typed Name)

\_\_\_\_\_  
(Entity, if any, on whose  
behalf you are appearing)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone number)



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Date: 9-25-06

Robert E. Doering  
Signature

ROBERT E. DOERING  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,

a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, and facsimile number:

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8 Robert E. Doering

9 (Signature)

10  
11 Robert E. Doering

12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
16 behalf you are appearing)

17  
18 (Address)

19 (Telephone number)





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Date: 9/28/06

Barbara Douglas  
Signature  
BARBARA Douglas  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

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Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
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telephone number, and facsimile number:

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8 Barbara Douglas

9 (Signature)

10  
11 BARBARA Douglas

12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
16 behalf you are appearing)

17 31 Rangeland Dr.  
Wellington, NV 89444

18 (Address)

19 775-465-1162

20 (Telephone number)



52

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

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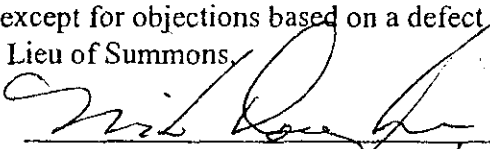
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Date: 10/2/06

  
Signature

Printed/Typed Name

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a corporation, et al.,

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SUBFILE NO. C-125-B

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in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

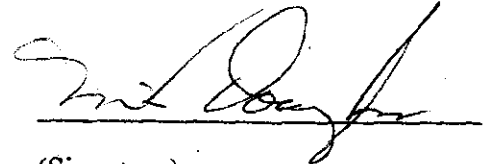
5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, and facsimile number:

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8   
9 (Signature)

10  
11 Mike Douglas  
12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
16 behalf you are appearing)  
17 31 Rangeland Dr.  
18 Wellington, NV 89444  
19 (Address)  
20 775-465-1162  
21 (Telephone number)





**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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Date: Sept. 18, 2006

Katherine A. Doyle  
Signature

Katherine A. Doyle  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: trustee of

(Title)

The Doyle Family Trust dated 12/30/04  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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Date: 9/18/06



Signature

JAMES P. DOYLE

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: TRUSTEE of

(Title)

DOYLE FAMILY TRUST DATED 12/30/04  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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Date: Sept 30, 2006



Signature

James T. Denlap

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Self of (Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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Date: Sept 30, 2000

Vicki L. Dunlap  
Signature  
Vicki L. Dunlap  
Printed/Typed Name

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acting as: Self of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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RECYCLED PAPER MADE FROM 20% POST CONSUMER CONTENT



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Date: 9-19-2006

  
Signature

Kathryn B. Easton  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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Date: 9-19-2006

Robert L. Easton

Signature

Robert L. Easton

Printed/Typed Name

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(Title)

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(Corporate, Trust, Partnership or other entity)

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## DEPARTMENT OF HUMAN RESOURCES

DIVISION OF HEALTH  
VITAL STATISTICS

STATE OF NEVADA — DEPARTMENT OF HUMAN RESOURCES

DIVISION OF HEALTH — SECTION OF VITAL STATISTICS

## CERTIFICATE OF DEATH

**LOCAL FILE NUMBER** DECEASED—NAME First Middle Last  
1. Michael Leo ECKSTEIN

**STATE FILE NUMBER** DATE OF DEATH (Month, Day, Year)  
2. March 22, 2005

**CITY, TOWN OR LOCATION OF DEATH** 3b. Yerington

**HOSPITAL OR OTHER INSTITUTION—Name (If not either, give street and number)** 3c. at home; 30 Yermo Lane

**SEX** 4. Male

**RACE—(e.g., White, Black, American Indian, etc.) (Specify)** 5. White

**Was Decedent of Hispanic Origin? Specify ☐ yes ☒ no If yes, specify Mexican, Cuban, Puerto Rican, etc.** 6.

**AGE—Last Birthday (Years)** 7a. 76

**UNDER 1 YEAR** 7b. MOS : DAYS

**UNDER 1 DAY** 7c. HOURS : MINS

**DATE OF BIRTH (Mo., Day, Yr.)** September 29, 1928

**STATE OF BIRTH (If no U.S.A., name country)** 9a. California

**CITIZEN OF WHAT COUNTRY** 9b. USA

**Decedent's Education. Specify highest grade completed.** 10. 16

**MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify)** 11. Married

**SURVIVING SPOUSE (If wife, give maiden name)** Clemencia Capalad

**SOCIAL SECURITY NUMBER** 13. 568-30-1387

**USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life, Even if Retired)** 14a. Civil Engineer

**KIND OF BUSINESS OR INDUSTRY** 14b. Government

**RESIDENCE—STATE** 15a. Nevada

**COUNTY** 15b. Lyon

**CITY, TOWN, OR LOCATION** 15c. Yerington

**STREET AND NUMBER** 15d. 30 Yermo Lane

**INSIDE CITY LIMITS (Specify Yes or No)** 15e. NO

**FATHER—NAME First Middle Last** 16. Leo Francis Eckstein

**MOTHER—MAIDEN NAME First Middle Last** 17. Anna Mae Adams

**INFORMANT—NAME (Type or Print)** 18a. Clemencia Eckstein

**MAILING ADDRESS (Street or R.F.D. No., City or Town, State, Zip)** 18b. 30 Yermo Lane Yerington, Nevada 89447

**BURIAL, CREMATION, REMOVAL, OTHER (Specify)** 19a. Cremation

**CEMETERY OR CREMATORY—NAME** 19b. Sierra Crematory

**LOCATION City or Town State** 19c. Carson City Nevada

**FUNERAL DIRECTOR—SIGNATURE (Or Person Acting As Such)** 20a. [Signature]

**FUNERAL DIRECTOR LICENSE NUMBER** 20b. 614

**NAME AND ADDRESS OF FACILITY** 20c. 25 Hwy 208 Yerington, Nevada 89447

**21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated.** (Signature and Title) [Signature]

**DATE SIGNED (Mo., Day, Yr.)** 21b. 3/24/05

**HOUR OF DEATH** 21c. 1020

**NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)** 21d.

**22a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) and manner stated.** (Signature and Title) [Signature]

**DATE SIGNED (Mo., Day, Yr.)** 22b.

**HOUR OF DEATH** 22c.

**PRONOUNCED DEAD (Mo., Day, Yr.)** 22d. ON

**PRONOUNCED DEAD (Hour)** 22e. AT

**NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER). (Type or Print)** 23a. Franz Masood Khan, MD 311 Sunrise Yerington NV 89447

**LICENSE NUMBER** 23b. 10124

**REGISTRAR** 24a. [Signature]

**DATE RECEIVED BY REGISTRAR (Mo., Day, Yr.)** 24b. 03/29/2005

**DEATH DUE TO COMMUNICABLE DISEASE** 24c. YES ☐ NO ☒

**25. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c).)**

**PART I**

(a) Cardiac Arrest

DUE TO, OR AS A CONSEQUENCE OF:

(b)

DUE TO, OR AS A CONSEQUENCE OF:

(c)

**PART II**

OTHER SIGNIFICANT CONDITIONS—Conditions contributing to death but not resulting in the underlying cause given in Part I.

**AUTOPSY (Specify Yes or No)** 26. NO

**WAS CASE REFERRED TO CORONER (Specify Yes or No)** 27. YES

**ACC., S. HOMICIDE, HOM., UNDET., OR PENDING INVEST. (Specify)** 28a.

**DATE OF INJURY (Mo., Day, Yr.)** 28b.

**HOUR OF INJURY** 28c. M

**DESCRIBE HOW INJURY OCCURRED** 28d.

**INJURY AT WORK (Specify Yes or No)** 20e.

**PLACE OF INJURY—At home, farm, street, factory, office building, etc. (Specify)** 28f.

**LOCATION. STREET OR R.F.D. No.** 28g.

STATE REGISTRAR

No. 284615

55438

CERTIFIED COPY OF VITAL RECORDS

This is a true and exact reproduction of the document officially registered and placed on file in the office of the State Registrar and Vital Records.

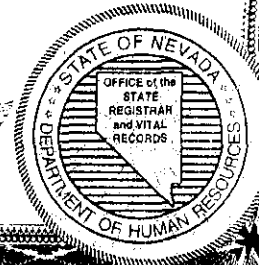
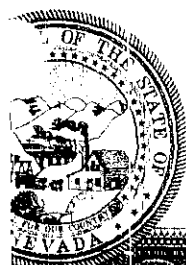
DATE ISSUED:

MAR 29 2005

STATE REGISTRAR

This copy is not valid unless prepared on engraved border displaying date, seal and signature of Registrar.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



Parcel Number 014-57' 19 Owner ECKSTEIN, MICHAEL L LY  
Location 30 Y LN 8-13-26 FR N2 SE4 NW4 Town MASON VALLEY

Improvement Case 3:73-cv-00127-MMD-WGC Document 5 Filed 02/28/07 Page 37 of 40

Single-Fam Detached.....	1	Non-Dwell Units...	0	Sq Ft Garage.....	0	Att/Det	
Single-Fam Attached.....	0	MH Hookups.....	0	# Bdrms...	3	#Baths...	1.00
Multi-Fam Units.....	0	Wells.....	1	# of Stories.....			1.5
Mobile Homes.....	0	Septic Tanks.....	1	Sq Ft Basement.....			0
Tot Dwell Units:	1	SqFt Bldgs	1,264	Sq Ft Fin Basement.....			0

Use/Appraisal Data

Current Land Use Code.: 200 (To change, go to Tax Year Data screen)  
Zoning Code(s)..... RR3T  
Special Ownership..... Special Prop..... Class..... 2.00  
Re-appraisal Group..... 03 Factoring Group... 00 Developer Discount.  
Re-appraisal Year..... 2001 Orig Constr Year.. 1920 Weighted Year..... 0

User-defined Fields: 1st Set (F11=Show 2nd set of fields)

Mobile Home Sq Ft.....	Smaller Residence Sq Ft.....
Other Building Sq Ft....	Attached Garage Sq Ft...
Commercial Sq Ft.....	Detached Garage Sq Ft...

F9=Scan >/< > F10=Other Functions F12=Cancel F13=Ownership/Description  
F15=Legal Description F16=Misc Notes F17=Factoring History F20=Tax Years  
F21=Personal Property F22=Ag Land F23=Exemptions F24=Livestock Counts

Parcel Number 014-5 19 LY

Last Updated 9/2 By LHINES

Ownership (F9=Scan >/< > F10=Other Functions F12=Cancel F14=Imprvmnts/Appraisal Data

Legal Owner..... ECKSTEIN, CLEMENCIA C Force Assmt Notice....

Assessed Owner..... ECKSTEIN, CLEMENCIA C Force Ag Message... -

Address..... 30 YERMO LN Force Label..... -

City, State..... YERINGTON, NV Force Card/Aff (C/A).. C

Vesting Doc #, Date. 390604 9/11/2006 Yr, Bk, Pg 00 000 000 Corr Rq'd -

Map Document #s..... (F11=Additional Locations).

Description.....

# Dir Street or Other Description Unit #(s)

Property Location... 30 YERMO LN 8-13-26 FR N2 SE4 NW4

Subdivision..... Block... Lot...

Town..... MASON VALLEY Parcel Map ID..

Property Name..... Confidential.. -

Remarks.....

Parcel # Containing Descriptive/Document Data....

Size

Total Acres... 2.070 Square Feet.... 0

Ag Acres..... .000 W/R Acres..... .000

F9=Scan >/< > F10=Other Functions F12=Cancel F14=Imprvmnts/Appraisal Data

F15=Legal Description F16=Misc Notes F17=Factoring History F20=Tax Years

F21=Personal Property F22=Ag Land F23=Exemptions F24=Livestock Counts



**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 9/19/06

Ethel C. Tribe

Signature

ETHEL C. TRIBE

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: TRUSTEE of

(Title)

ECT FAMILY TRUST

(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with notice of appearance and intent to participate.